

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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COMMONWEALTH OF PENNSYLVANIA,)	
DEPARTMENT OF ENVIRONMENTAL)	
PROTECTION,)	
Plaintiff,)	
)	
v.)	Civ. Action No.: 2:23-cv-873
)	
ONE BREWERY PLACE, INC.; HAROLD B.)	
DAVIDSON; JAMES RANDY DAVIDSON;)	
M. ULTRA INVESTMENT GROUP, LTD.;)	
and ARXADA, LLC,)	
Defendants.)	
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PLAINTIFF’S REQUEST FOR ENTRY OF DEFAULT

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) requests an entry of default against Defendants One Brewery Place, Inc., Harold B. Davidson, and James Randy Davidson. Each of these Defendants has been duly served with the Department’s Complaint and subsequent Amended Complaint, and each has failed to plead or otherwise respond.

In support of its request, the Department’s Affidavit in Support of Default is attached hereto as Exhibit A.

Dated: January 25, 2024

Respectfully submitted,

/s/ Edward S. Stokan

Edward S. Stokan

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**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF ENVIRONMENTAL)
PROTECTION,)

V.

) Civ. Action No.: 2:23-cv-873

ONE BREWERY PLACE, INC.; HAROLD B.)
DAVIDSON; JAMES RANDY DAVIDSON;)
M. ULTRA INVESTMENT GROUP, LTD.;)
and ARXADA, LLC,)

Defendants.

2. On August 11, 2023, the Department filed Waivers of Service of Summons executed by One Brewery Place, Inc., Harold B. Davidson, and James Randy Davidson (collectively “Default Defendants”) and confirming service of the Department’s Complaint on May 31, 2023. ECF 6.

3. On August 24, 2023, the Department and the Default Defendants each entered Stipulations for Extension of Time to Answer the Department's Complaint by October 15, 2023. ECF 7, 8, and 10.

4. None of the Default Defendants filed a timely answer or response to the Department's Complaint; nor have appearances been entered on their behalf; nor have any sought an extension of time to respond beyond October 15, 2023.

5. On November 8, 2023, the Department filed its Amended Complaint together with a Certificate of Service. ECF 19.

6. On December 5, 2023, the Department filed a Proof of Service confirming service of its Amended Complaint on the Default Defendants. ECF 23.

7. None of the Default Defendants has filed a timely answer or response to the Department's Amended Complaint; nor have any stipulated to or sought from the Court an extension of time to respond.

Respectfully submitted,

/s/ Edward S. Stokan

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Dated: January 25, 2024

COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF ENVIRONMENTAL)
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V.

) Civ. Action No.: 2:23-cv-873

Defendants.

Default entered this _____ day of _____, 2024.

Clerk, U.S. District Court

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CERTIFICATE OF SERVICE

I, Edward Stokan, hereby certify that I served a true and correct copy of the foregoing Request for Entry of Default upon counsel for Arxada, LLC and M. Ultra Investment, Ltd. via CM/ECF and upon One Brewery Place, Inc., Harold B. Davidson and James Randy Davidson via Certified and First-class mailing.

Respectfully submitted,

/s/ Edward S. Stokan
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